

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

LENOVO (UNITED STATES) INC.,

Plaintiff,

v.

LIBERTY PATENTS, LLC,

Defendant.

CIVIL ACTION NO. 5:21-cv-8-BO

JURY TRIAL DEMANDED

**LIBERTY’S MOTION TO DISMISS OR TRANSFER FOR LACK OF PERSONAL
JURISDICTION OR, IN THE ALTERNATIVE, UNDER THE FIRST-TO-FILE RULE**

Pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, Defendant Liberty Patents, LLC (“Liberty”) hereby moves the Court to dismiss the Complaint, Dkt. 1, of Plaintiff Lenovo (United States) Inc. (“Lenovo US”), on the grounds that the Court lacks personal jurisdiction over Liberty. Alternatively, Liberty requests that the Court transfer this suit to the U.S. District Court for the Eastern District of Texas, Marshall Division, pursuant to 28 U.S.C. § 1631, because the action could have been brought in that District and transfer is in the interest of justice. In addition or in the alternative, Liberty moves the Court to transfer, dismiss, or stay this action pursuant to the first-to-file rule, *see, e.g., Futurewei Techs., Inc. v. Acacia Rsh. Corp.*, 737 F.3d 704, 708 (Fed. Cir. 2013), on the grounds that this declaratory judgment suit substantially overlaps with a first-filed infringement action in the U.S. District Court for the Eastern District of Texas, Marshall Division. This motion is based on the accompanying memorandum of law and the complete files and records in this action, including any oral

argument of counsel that the Court directs, and such other and further matters that this Court may consider.

WHEREFORE, Defendant Liberty Patents requests that this Court grant its motion and transfer or dismiss this action so that the dispute may be adjudicated in the Eastern District of Texas, which is the first-filed forum and will have personal jurisdiction over Liberty.

This the 15th day of March, 2021.

Dated: March 15, 2021

Respectfully submitted,

/s/ Larry D. Thompson, Jr.

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Attorneys for Liberty Patents LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of March, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record as identified on the CM/ECF docket.

/s/ Larry D. Thompson, Jr.
Larry D. Thompson, Jr.